

AN ORDINANCE

97110

TERMINATING A LICENSE AGREEMENT ORIGINALLY APPROVED BY ORDINANCE NO. 71136, DATED FEBRUARY 22, 1990 AND AUTHORIZING A TEN (10) YEAR LICENSE AGREEMENT WITH LA DUKE ENTERPRISES, INC. D/B/A ASTRO BOWL LANES TO USE A PORTION OF PUBLIC RIGHT OF WAY FOR PARKING PURPOSES, ADJACENT TO LOTS 19 AND 22, BLOCK C, NCB 8711, AT 3203 HARRY WURZBACH ROAD, FOR THE CONSIDERATION OF \$35,260.00, TO BE PAID IN TEN (10) EQUAL ANNUAL PAYMENTS OVER THE TERM OF THE AGREEMENT.

* * * * *

WHEREAS, through Ordinance No. 57539 passed and approved September 8, 1983 authorized a five year lease between the City and La Duke Enterprises, Inc. solely for parking purposes upon public right of way on Harry Wurzbach Road adjacent to Lots 19 and 22, Block C, New City Block 8711; and

WHEREAS, thereafter, Ordinance No. 71136 passed and approved February 22, 1990 authorized a five-year License Agreement with La Duke Enterprises, Inc. (Licensee) effective September 8, 1988, allowing Licensee to occupy the above described property solely for parking purposes for a period of five years, terminating on September 7, 1993, with an option for four additional five-year periods, terminating upon thirty days' written notice; and

WHEREAS, the City wishes to terminate said License Agreement and enter into a new ten (10) year License Agreement to use public right of way at 3203 Harry Wurzbach Road adjacent to Lots 19 and 22, Block C, NCB 8711 for the amount of \$35,260.00; and

WHEREAS, the action is consistent with the City Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The License Agreement between the City and La Duke Enterprises, Inc. authorized through Ordinance Number 71136 passed and approved on February 22, 1990 allowing the Licensee to occupy a portion of public right of way on Harry Wurzbach Road adjacent to Lots 19 and 22, Block C, New City Block 8711 is hereby terminated.

SECTION 2. The City Manager or her designee is hereby authorized to execute a new License Agreement between the City and La Duke Enterprises, Inc. signed on behalf of La Duke Enterprises, Inc., as Licensee, attached hereto and incorporated herein verbatim for all purposes as Attachment I, to occupy a portion of public right of way for parking purposes only, on Harry Wurzbach Road adjacent to Lots 19 and 22, Block C, New City Block 8711, for the annual amount of \$35,260.00.

SECTION 3. The proceeds of the agreement shall be deposited into Fund No. 11-000 entitled "General Fund," Index Code 012732, entitled "License Agreements- Use of ROW."

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

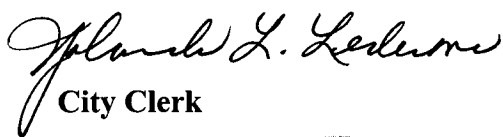
SECTION 5. This Ordinance shall be effective on February 9, 2003.

PASSED AND APPROVED this 30th day of January, 2003.

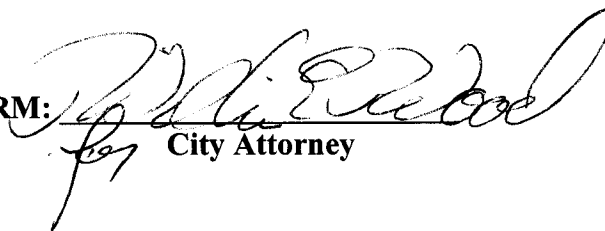

M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney